

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ZHAOYIN WANG,
Plaintiff,

v.

BETA PHARMA, INC., DON ZHANG,
AND ZHEJIANG BETA PHARMA
CO., LTD.,
Defendants.

No. 3:14CV1790 (VLB)

JANUARY 7, 2014

MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendants Beta Pharma, Inc. ("Beta Pharma") and Don Zhang ("Zhang") hereby move to dismiss the Third, Fourth, Fifth, Sixth, Seventh, and Eighth Counts of Plaintiff's Complaint. These counts are subject to dismissal because they are barred by the economic loss doctrine, because Plaintiff has failed to plead his fraud claims with the required particularity, and because Plaintiff has failed to state causes of action for breach of fiduciary duty. Defendants file herewith a Memorandum of Law in support of this Motion.

DEFENDANTS BETA PHARMA, INC. AND
DON ZHANG,

By: /s/
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ORAL ARGUMENT REQUESTED

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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2015 a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/
Michael G. Caldwell (ct 26561)